

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20N, CASTLEBERRY HILL LANDMARK DISTRICT; TO CREATE A NEW SUBSECTION TO CHAPTER 28A TO BE ENTITLED (48) CASTLEBERRY HILL LANDMARK DISTRICT; TO ESTABLISH REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT TO THE ZONING CATEGORY OF LANDMARK DISTRICT (LD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, REZONING FROM C-3 (COMMERCIAL RESIDENTIAL), C-3-C (COMMERCIAL RESIDENTIAL, CONDITIONAL), C-5 (CENTRAL BUSINESS SUPPORT), C-5-C (CENTRAL BUSINESS SUPPORT, CONDITIONAL), I-1 (LIGHT INDUSTRIAL) AND SPI-1 (SPECIAL PUBLIC INTEREST, CENTRAL CORE) to LD (LANDMARK DISTRICT), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the properties lying within the Castleberry Hill Landmark District, which properties are more fully described as shown in Attachment "A" to this ordinance, which attachment is incorporated herein, meet the criteria for Landmark District as set forth in the Nomination Resolution of the Urban Design Commission attached hereto as Attachment "B" and incorporated herein, and are hereby determined to be a Landmark District pursuant to Chapter 20 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 2. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by designating said properties described in Attachment "A" to the zoning category "Landmark District" pursuant to Section 16-20.006 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 3. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by adding a new Chapter 20N, Castleberry Hill Landmark District, the regulations for which shall read as shown in Attachment "C", which attached regulations are incorporated herein.

SECTION 4. That the 1982 Zoning Ordinance of the City of Atlanta, as amended is hereby further amended by adding to Chapter 28A a new subsection (48), Castleberry Hill Landmark District, the regulations for which shall read as shown in Attachment "D", which attached regulations are incorporated herein.

SECTION 5. That the boundaries of the Castleberry Hill Landmark District shall be established as shown on the attached map marked Attachment "A", which attached map is incorporated herein.

SECTION 6. That the official zoning map of the City of Atlanta, now on file with the office of the Office of the Municipal Clerk, be and is hereby amended so as to provide that the subject properties lying within said Castleberry Hill Landmark District bear the zoning designation "Landmark District," which designation shall be officially abbreviated as "LD" and which shall replace the abbreviation for the existing C-3, C-3-C, C-5, C-5-C, I-1 and SPI-1 zoning classifications on said map.

SECTION 7. All properties lying within said Castleberry Hill Landmark District shall be subject to the regulations attached hereto as Attachment "C" as well as the general regulations governing landmark districts contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

SECTION 8. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

DRAFT AS OF 08/15/05

Proposed Castleberry Hill Landmark District (Chapter 20N)

 = Contributing Bldgs.
within the District

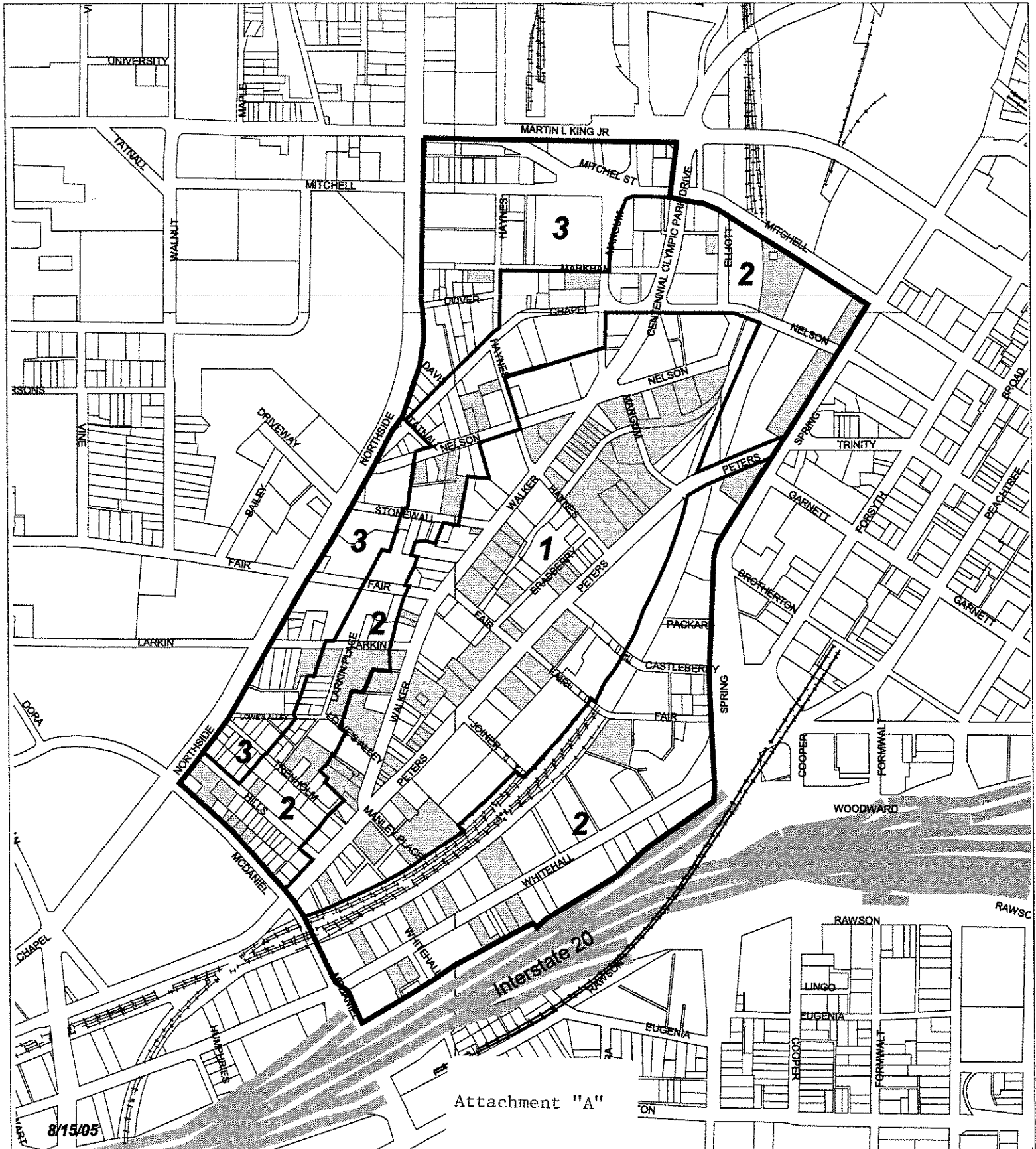


District Subarea Boundary

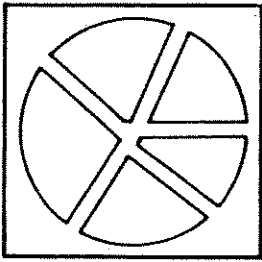
- 1 - Historic Core
- 2 - Adjacent Historic Areas
- 3 - Transitional Commercial / Mixed Use Corridor



Map produced by the Atlanta Urban Design Comm., 8/15/05.



Attachment "A"



ATLANTA
URBAN DESIGN
COMMISSION

ATLANTA CITY HALL
55 TRINITY AVENUE, SW
SUITE 3400
ATLANTA, GEORGIA 30335-0331
(404) 330-6200

N-05-362

RESOLUTION

Whereas, the Castleberry Hill Historic District was listed in the National Register of Historic Places on August 8, 1985; and

Whereas, the Executive Director of the Atlanta Urban Design Commission initiated the nomination process by mailing the appropriate Notice of Intent to Nominate to all property owners in Castleberry Hill pursuant to Subsection (b) of the City of Atlanta Code of Ordinances, Section 16-20.005 Nominations; and

Whereas, the Executive Director has caused to be conducted extensive research regarding this proposed nomination and a written report has been compiled stating the findings and recommendations regarding the historic, architectural and cultural significance of said nomination pursuant to Subsection (d) of said code section, which report, Exhibit "A", is attached to this resolution and is hereby incorporated by this reference; and

Whereas, a public hearing was held by this Commission to consider said nomination after appropriate public notice was provided as required by Subsection (e)(1) of said code section; and

Whereas, this Commission has reviewed and considered said designation report as well as all other testimony, documentation and other evidence presented to it, including the testimony of all interested members of the public and property owners pursuant to Subsection (e)(1) of said code section;

Now, therefore be it resolved by the Urban Design Commission of the City of Atlanta as follows:

Section 1. That the designation report prepared at the direction of the Executive Director of the Urban Design Commission is hereby adopted by the Commission and shall constitute the Findings of Fact upon which this nomination is based.

Section 2. That the Commission hereby determines that Castleberry Hill, a map of which delineating all boundaries is attached hereto as Exhibit "B", hereby incorporated by this reference, is architecturally, historically, and culturally significant and is hereby determined to be eligible for designation to the category of Landmark District (LD) as meeting, at a minimum, the eligibility criteria set forth in Section 16-20.004(b)(1),

specifically including subsections a., b., and c. of this code section. Castleberry Hill is located in Land Lots 77, 84 and 85 (see map for boundaries), 14th District, Fulton County, Atlanta, Georgia.

Section 3. That the Commission hereby further determines that said Castleberry Hill meets the criteria set forth in Section 16-20.004(b)(2)c., specifically including those criteria in the following groups: Group I (Historic) 1, 2 & 3; Group II (Architectural) 1, 2, 5, 6, 7 & 13; and Group III (Cultural) 1 & 2.

Section 4. That the Commission having determined that Castleberry Hill meets and exceeds the criteria set forth herein, hereby nominates Castleberry Hill to the category of Landmark District (LD), pursuant to Section 16-20.005(e)(3).

Section 5. That the Commission hereby directs the Executive Director to transmit this resolution including all supporting documentation to the Chair of the Zoning Committee of the Atlanta City Council, to the Commissioner of Planning and Community Development, and to notify by first class mail the owners of all properties within Castleberry Hill.

Approved and nominated by the Atlanta Urban Design Commission on August 31, 2005.



John Threadgill, Chair
Atlanta Urban Design Commission

CASTLEBERRY HILL LANDMARK DISTRICT

District 14, Land Lots 77, 84, 85

Fulton County, City of Atlanta

Existing Zoning: C-3, C-3-C, C-5, C-5-C, I-1, SPI-1

N-05-362

Proposed Designation:

Landmark District

National Register Listed: August 8, 1985

BOUNDARIES

The proposed Castleberry Hill Historic District includes all properties within the following general boundary: Beginning at the southeast corner of the intersection of McDaniel St., SW and Whitehall St., SW; then proceeding southeasterly 166.35 ft. to the rear property line of the property at 490 Whitehall St., SW; then proceeding northeasterly 938.3 ft. along the rear property lines of properties facing Whitehall St., SW to a point; thence southeasterly 28.5 ft. to a point; thence northeasterly 1006.8 ft. along the rear property lines of properties facing Whitehall St., SW; thence northerly 102 ft. to the southwest corner of the intersection of Whitehall St., SW and Spring St., SW; thence northerly 155 ft. to a point on the west side of Spring St., SW; thence northerly 923.3 ft. along the west side of Spring St., SW to a point; thence northeasterly 1250.6 ft. along the west side of Spring St., SW to the southwest corner of the intersection of Spring St., SW and Mitchell St., SW; thence 1061 ft. northwesterly along the southwest side of Mitchell St., SW; thence northeasterly 211.8 ft.; thence westerly 668.2 ft. along the south side of Martin Luther King, Jr. Blvd., SW to the southeast corner of the intersection of Martin Luther King, Jr. Blvd., SW and Mitchell St., SW; thence southwesterly 92 ft. to the southwest corner of the intersection of Martin Luther King, Jr. Blvd., SW and Mitchell St., SW; thence westerly 384.4 ft. along the south side of Martin Luther King, Jr. Blvd., SW to the southeast corner of the intersection of Martin Luther King, Jr. Blvd., SW and Northside Dr., SW; thence southerly 1162.4 ft. along the east side of Northside Dr., SW to a point; thence southeasterly 10 ft. to a point; thence west-southwesterly 14 ft. to a point; thence southwesterly 2082.2 ft. along the east side of Northside Dr., SW to the northeast corner of the intersection of Northside Dr., SW and McDaniel St., SW; thence southeasterly 1288.7 ft. along the northeast side of McDaniel St., SW to the point of beginning.

SIGNIFICANCE

Located along the southwestern edge of Atlanta's central business district, the proposed Castleberry Hill Landmark District is associated with a long and highly significant period of the city's developmental history. Patterns of settlement established in Castleberry Hill during the early 19th century, before the founding of the city of Atlanta, remain evident to this day. Changing modes of transportation, from travel along Native American trade routes and early stagecoach roads, to an increasingly intricate network of railroads; from late 19th-century innovations in public transportation, to the impact of automobile travel

and truck transport, have shaped and reshaped the context of the district and have had a profound influence on land use. Nowhere in the district is the impact of these changes more evident than on Peters Street, anchored on its east side by one of Atlanta's oldest rail lines, and connected, on its north end, to the downtown street grid via the Peters Street bridge. The construction of a spur of the Southern Railroad in the northern section of the district's central core, between 1913 and 1915, dramatically accelerated the commercialization of the district. Within a period of 15 years, houses that filled the northern blocks of Walker Street had been replaced by continuous rows of two and three-story loft warehouses. The contours of the rail spur, in that section of the district, create very close spatial relationships between streets, building facades, and rail tracks.

While the distinctive physical characteristics of the district recall the history of Atlanta's growth as a regional transportation and distribution center, Castleberry Hill's primary significance lies in its extraordinary collection of more than 100, late-19th and early-20th century commercial structures. Peters Street is lined on its west side by rows of one to three-story retail buildings, dating to as early as the 1890s. The occupants of these buildings sold essential goods and services—food, clothing, furniture, prescription drugs, and hair cuts—to the residents of surrounding neighborhoods and provided wood, coal, and other support services to the system of railroads that cut through the district. In contrast, the eastern side of Peters Street contains a collection of early to mid-20th century warehouse and light industrial buildings, several of which are associated with the meat packing industry that once flourished in the district. Beginning at the northern end of Nelson Street and continuing down the eastern side of Walker Street is an almost solid wall of brick warehouse buildings, constructed from 1914 to about 1930. These open-plan loft buildings housed farm implements, industrial and office supplies, as well as tires, electric batteries, lighting, overalls, and a multitude of other items, while providing showroom and office space for the distributors of these goods.

ARCHITECTURE

Architecturally, the commercial buildings in Castleberry Hill illustrate the evolution in construction techniques from load-bearing brick to steel-framed and reinforced concrete construction. Industrial sash windows and track loading doors are found in many of the warehouse buildings. Most buildings have flat facades and flat roofs with stepped parapets. Detailing includes segmented and rounded arch windows, cast stone sills and copings, corbelled cornices, and decorative spandrel panels with terra cotta insets—modest elements of late Victorian and early 20th century Commercial styles that were once common in Atlanta.

Alterations to the buildings, most commonly to the street level storefronts, reflect changes in occupancy that have occurred over the years. During the mid-to-late 20th century, many businesses in Castleberry Hill closed and buildings were abandoned, as interstate highway-oriented industrial and warehouse facilities

became more accessible. Artists and other professionals began occupying the area's loft buildings during the 1980s. Since that time, adaptive use projects, both by individuals and real estate development firms, have multiplied, and Castleberry Hill is today considered to be one of Atlanta's growing neighborhoods. Along with the steady increase in residential occupancies has come a burgeoning commercial revitalization, as restaurants and other neighborhood-oriented businesses have begun to move back into storefronts in Castleberry Hill. The Castleberry Hill Neighborhood Association now hosts an annual tour of lofts that showcases the diversity and creativity that have brought new life to the historic architecture of this district.

HISTORY

Early Settlement

Settlement patterns that exist in Castleberry Hill predate the founding of the city of Atlanta. Street names and place names within the district serve as reminders of this early history. As historian Darlene Roth noted, in her analysis of research that culminated in a National Register of Historic Places listing for the Castleberry Hill District (1985), the district's street pattern and street names "stand as a fragment of Atlanta's beginnings."¹

Peters Street

The section of Peters Street that runs through Castleberry Hill follows a segment of the Sandtown Trail, a Native American trade route that stretched east and west across Georgia and intersected the Peachtree Trail at what became the Five Points area of Atlanta. The Sandtown Trail continued west (of the Peters Street section) toward a Creek Indian village near Utoy Creek and the Chattahoochee River. As white traders and settlers traveled the area, the trail developed into a stagecoach route known as Sandtown Road.

In 1835, Charner Humphries, an early settler in the area that became West End in southwest Atlanta, built a public inn on land he purchased at the junction of Sandtown Road and the road that led to the town of Newnan (now the junction of Gordon Street and Lee Street/Highway 29). Humphries named the inn White Hall, since it was noticeably the only painted building around. Over the years, White Hall Tavern served as a post office and polling place for the community that developed around it, as well as a drill and parade grounds for militia from the area. Segments of Sandtown Road that led to White Hall were referred to as White Hall Road.²

¹ Darlene Roth, "Castleberry Hill, Historic District Information Form," found in National Register of Historic Places files, Historic Preservation Division, Georgia Department of Natural Resources. Much of the developmental history narrative has been adapted from Roth's report.

² The White Hall community grew to become the town of West End (1868-1894).

Sometime before 1853, the road from Atlanta to White Hall was renamed Peters Street, in honor of Richard Peters (1810-1889). Peters moved to Atlanta from Pennsylvania as principal assistant to the Chief Engineer of the Georgia Railroad. By 1845, Peters became superintendent and two years later was named Resident Engineer. He was responsible for completing the construction of the Georgia railroad from Augusta to Atlanta. Peters was active in many phases of the early development of the city of Atlanta, and along with George Adair, became a real estate developer. In 1871, Peters and Adair organized the Atlanta Street Railway Company (the first successful public transport system in Atlanta). Peters founded and directed several banks, railroad companies, and a telegraph company and was a director of the Exposition Cotton Mills. He was active in politics at the local and state levels, serving on the Atlanta City Council and in a variety of appointed positions on State commissions and boards.

While the name Peters evokes the history of Atlanta's early railroad development, the physical presence of the railroad along Peters Street creates a more direct association. The railroad bed along the eastern edge of Peters Street dates to 1846, when the tracks of the Macon and Western Railroad reached Atlanta (then Marthasville), and is one of the three main rail lines that "brought the city into being."³

Snake Nation

Nothing serves as a more vivid reminder that Atlanta was once a "frontier" town than the history of its early "shanty town" settlements. In the late 1840s and early 1850s, "Snake Nation" was the name commonly used by the public press to identify "a settlement along the old White Hall Road (later Peters Street) from the railroad crossing to about where Fair Street now crosses" that was "devoted almost entirely to the criminal and immoral element." Murrell's Row (along a block of Decatur Street), Snake Nation, and a third area, known as Slabtown, were pockets where drinking and gambling houses and brothels were common and murders were not uncommon.

As a result of the mayoral election of 1851, Jonathan Norcross (of the Moral Party) defeated Leonard C. Simpson, a former member of the Atlanta City Council (representing the Free and Rowdy Party). After the election, Mayor Norcross organized a group of citizens who raided the shanty towns one night, ran off the inhabitants, and burned down all three settlements.⁴

Nelson Street

Nelson Street was opened and named sometime before 1848 and was a segment of Nelson's Ferry Road that led to a ferry across the Chattahoochee

³ Roth.

⁴ Vivian Price, *The History of DeKalb County, Georgia, 1822-1900* (Fernandina Beach: Wolfe Publishing, 1997) 273-301.

River. John B. Nelson owned the ferry during the 1820s. His son, Allison Nelson is also memorialized by the street name. Born in 1822, Allison Nelson practiced law in DeKalb County⁵ and in the settlements of Terminus and Marthasville that later became Atlanta. After service in the Mexican War, he was elected to the Georgia General Assembly in 1848 (serving only one term) and became the ninth mayor of Atlanta in 1855. After moving to Texas, he became a member of the Texas legislature. He died from illness, while serving in the Confederate Army, in 1862.

Minutes of the Atlanta City Council from October 23, 1848 suggest that the Nelson Street viaduct, across the Macon and Western Railroad tracks, may have been the first bridge in Atlanta. The original wooden bridge across the tracks was 45 feet wide. It was replaced and widened before 1900.

Judge John Collier lived on a large estate on the west side of Nelson Street between Elliott and Mangum Streets in the late 1860s (west of the viaduct, at what would now be 301-359 Nelson Street). At that time, Judge Julius Hayden owned half of the triangle formed by Nelson, Walker, and Stonewall Streets. These prominent Atlanta judges may have been the developers of the residential community marketed as "Castleberry Hill." Much of the land along Nelson and Walker Streets had been developed for residential use by 1868.

Walker Street

John Collier and Julius Hayden petitioned the Atlanta City Council in October 1848 "for a street to be run from the bridge across the Macon and Western Railroad southwesterly to intersect with the White Hall Road (Peters Street) within the City Limits." This new street was named Walker Street, as shown on Vincent's 1853 "Map of Atlanta." Samuel Walker, for whom the street is named, came to the Atlanta area in the 1820s and owned a 189-acre farm that included the present sites of Piedmont Park and the Piedmont Driving Club. He also operated a mill on Clear Creek near the point where Park Drive now crosses. Walker later built and lived in a large house at the corner of Peachtree and Twelfth Streets that was destroyed during the Civil War. He served as a judge of the first Inferior Court of Fulton County from 1854 to 1856.

Mangum Street

Mangum Street bears the name of the Mangum family, whose male members (brothers James and William and their sons Nathaniel, Robert, and Wheeler) were early clerics, lawyers, and public office holders in Atlanta and Fulton

⁵ The land that was developed to become Atlanta was divided for settlement in the Land Lottery of 1821. At that time, the area was a part of Henry County. The area became part of the new county of DeKalb in 1822 and remained a part of DeKalb County until 1853, when the Georgia General Assembly created the county of Fulton.

County. Mangum Street was extended southeasterly from Nelson Street sometime between 1853 and 1870 (according to maps from that period).

Haynes Street

Haynes Street was extended into the proposed district between 1853 and 1870 and bears the name of Reuben Haynes, a master carpenter and cabinetmaker. The section of Haynes Street between Peters and Walker Streets was known as Booth's Alley around 1870.

Fair Street

Fair Street was named for the Agricultural Fair of 1850. Portions of Fair Street that lie east of the Castleberry Hill district were renamed Memorial Drive in the 1930s.⁶

Castleberry Hill and Castleberry Street

The name Castleberry Hill is associated with a topographic prominence that peaks along Walker Street between Fair and Stonewall Streets. The high point of the hill is about 1086 feet above sea level.

The family name Castleberry became associated with the area sometime between 1859 and 1867.⁷ Hanleiter's 1867 Directory of Atlanta lists M. T. Castleberry as the operator of a "family grocery" on the east side of Peters Street, west of the railroad tracks. A listing for Castleberry Street does not appear in Hanleiter's Directory until 1870.

A plat map from 1868 identifies M.T. Castleberry as the owner of several contiguous parcels fronting on the east side of Peters Street. Specifically, the 1868 maps notes that Castleberry owned the northern half of the block between what are now Fair and Castleberry Streets (Block 1) and roughly one third of the block north of Castleberry Street (Block 2). By 1870 (and a second plat map), Castleberry had purchased additional land on the south end of Block 1 and had subdivided and sold several parcels backing against the railroad along that block. He had also sold half of the parcels he owned on Block 2 by 1870. Darlene Roth suggests that these parcels were an extension of the earlier development along Nelson and Walker Streets.

⁶ Portions of the street that lie west of Peters Street were known as Stephens Street until about 1870, when they were renamed Fair Street.

⁷ There is no mention of the name Castleberry in the 1859 Directory of Atlanta. The next available directory was published in 1867, which connects Merrill T. Castleberry with a business on Peters Street.

The family residence and a two-story commercial building, associated with the family, stood on Block 1. Roth's research indicates that Castleberry retained ownership of land at the southern edge of Block 2 for livery and timber purposes.

THE CASTLEBERRY FAMILY

Atlanta City Directories, the 1880 US Census, and other sources provide the following information about the Castleberry family.

Merrill Thomas Castleberry was born in Georgia in 1830 (d. 1890). The 1872 City Directory identifies M.T. Castleberry as a "contractor," residing on Peters Street near Castleberry Alley. By 1874, he was involved in other business interests. The City Directory from that year lists him as owner of the M.T. Castleberry Furniture Emporium (later Castleberry and Co.) at 1 Marietta Street and 20 Peachtree (Five Points), as well as owner of a furniture factory at 150 W. Peters Street. He is also listed in 1872 as being associated with Pelligrini and Castleberry (see Zach Castleberry) and the D.B. Morgan and Co. furniture store at 85 Whitehall and 92 Broad. The 1876 City Directory notes that Merrill T. continued his involvement in the Castleberry and Co. furniture store at 20-22 Peachtree Street, while the directory of 1886 lists him as "City Tax Collector." From 1874-1890, M.T. Castleberry's residence is listed at 164 W. Peters.⁸

Castleberry served in the Confederate Army during the Civil War as First Lieutenant in the unit known as the "Atlanta Volunteers." He was shot in the face during the Battle of Antietam. Castleberry's obituary notes that the war ended for him in 1864; "he cared nothing for veterans' leagues or revivals of the old issues of the past." Instead, he was committed to ideals of the New South and to the city of Atlanta, which "he helped to rebuild from her ashes." Toward these efforts, Castleberry served on the Atlanta City Council from 1870-1872 "during the stormy days of Reconstruction." His obituary indicates that Castleberry did not inherit wealth but was "self made."⁹

Martha Richards Castleberry, born in Georgia in 1832 (d. 1900), is listed in the 1880 US Census as wife of Thomas Castleberry. Her occupation is listed as keeper of the household.

⁸ The family home at 164 Peters Street was a gabled-wing house with porches on the north, west, and east facades. The two-story commercial building at 158 Peters Street may have housed the family grocery, as well as the furniture factory, early on. Both buildings are shown on Sanborn Maps from 1886-1899 but had been replaced by a new row of store buildings by 1911.

⁹ Members of the Castleberry family are buried at Oakland Cemetery. Their graves were unmarked until recently. M.T. Castleberry's obituary explains that he "lost the accumulations of many honest years" and had suffered through years of illness before his death.

Daughters Lilly, Ona, and Dora,¹⁰ ranging in age from 10 to 20, are also listed as members of the Castleberry household in 1880. Other members were Lucinda Gray, Thomas Castleberry's mother (age 79), who married George Washington Gray in 1846, following the death of her first husband, Meredith Castleberry. Eraline Blalock, born in South Carolina in 1820, also lived with the Castleberry household in 1880. Her occupation is listed as cook.

Dora Castleberry (b. 1860) is listed in the 1880 City Directory as a teacher at the Walker Street School and boarder at 164 W. Peters Street. She was listed as Dora Castleberry Horine at the time of her death in 1930.

Zach Castleberry (b. 1853 d. 1921) became a partner in Pellegrini and Castleberry, renowned manufacturers of architectural terra cotta, sometime around 1876.¹¹ The US Census of 1880 lists Zach Castleberry as a terra cotta worker, suggesting that his involvement with the firm was as a craftsman rather than merely as a business partner.

Pellegrino Pellegrini started the terra cotta works in 1871. By 1876, the company is listed as Pellegrini, Castleberry and Co. also known as Southern Terra Cotta Works. Pellegrini, along with M.T. and Zach Castleberry, are listed as owners of the business in 1876. The company specialized in decorative red terra cotta for both interior and exterior building purposes but also manufactured "fire brick, fire clay, chimney flues, chimney tops, and garden vases" and did ornamental plaster work. The business address for the company is listed as 178 Chapel Street (near Barracks) in 1880. Pellegrini and Castleberry later merged with a factory from East Point. After Zach Castleberry left the business in 1893, followed by Pellegrini in 1897, the Southern Terra Cotta Works continued in business until 1912.¹²

From 1876 to 1886, Zach Castleberry lived in the Castleberry Hill area, either on property owned by the Castleberry family along Peters Street or as a boarder nearby. In 1880, for example, he is listed as a boarder at 117 W. Fair, in a building owned by James Johnston, a grocer. By 1896, Zach Castleberry had moved to another part of the city and was working as a clerk with the State and county tax receiver's office. Pellegrini also lived in Castleberry Hill, along with his wife and children.¹³ During the late 1870s, the Pellegrini family lived at 267 W.

¹⁰ While both Dora and Lilly Castleberry were born in Georgia, census records state that Ona was born in Alabama in 1864, suggesting that the family sought refuge from Civil War activity in Georgia that year.

¹¹ Zach Castleberry worked at the D.B. Morgan and Co. furniture store in 1874. He is assumed to be the son of Henry C. Castleberry (b. 1822 d. 1862) and nephew of Merrill Thomas Castleberry.

¹² Elizabeth Anne Mack Lyon, *Atlanta Architecture: The Victorian Heritage, 1837-1918* (Atlanta Historical Society, 1976) 99. Sanborn Maps from 1899 to 1911 show the terra cotta factory on Chapel Street (now Northside Drive) near the southeast corner of McDaniel Street. The east façade of the factory faced what was then known as Kuhrt Street. In 1911, Samuel Young owned the factory, according to the Sanborn Map. The building had been demolished by 1932.

¹³ Pellegrini was born in the Tuscany region of Italy in 1839. He and wife Julia (born 1845 in Pennsylvania) had seven daughters living in their household in 1880. The family lived in Ohio

Peters Street (on the west side of Peters Street between Trenholm Street and Hills Avenue).¹⁴

DEVELOPMENTAL HISTORY 1870-1899

Following the Civil War, Atlanta quickly re-asserted itself as a regional transportation and commodities distribution center. Vigorous rebuilding efforts and a growth in population resulted in an expansion of the city's boundaries. Atlanta's new role as state capital established it as a focus of public policy and government action. By 1878, the local economy stabilized from effects of the war and the Panic of 1873, and Atlanta established its system of public schools, a system of public transportation, as well as other public health and safety services. The Hopkins Atlas of 1878 provides evidence that Castleberry Hill benefited from these improvements and illustrates development that had occurred in the district by that time. The Atlas also serves as a baseline from which subsequent changes can be observed.¹⁵

By 1878, more than 80 percent of all principal buildings within the Castleberry Hill district were residences. Occupants were a mixture of working class and managerial class persons. African Americans began moving into northern and western portions of the district during the 1870s.

Non-residential buildings, concentrated along Peters Street, were used for retail and consumer services, light manufacturing and repair services, and transportation-related services, such as freight-handling, livery, and coal and wood supplies. Two large tracts (the Doane and Lowe properties) on the east side of Peters Street were still being used for farming. All other lots were of typical, urban size and all but a few were developed.

The principal community facilities in 1878 were the Walker Street School and a fire station at the corner of W. Fair and Bradberry Streets. The wooden trestle bridge at Nelson Street was the only structure in the district that passed over the railroad. All other streets in the district were at grade. The mule-drawn trolley line of the Atlanta Street Railway Company was routed along Peters Street, connecting downtown Atlanta with the town of West End. Another line crossed the Nelson Street Bridge going westbound to Hunter Street and eastbound to Mitchell Street.

By 1886, there is evidence that Castleberry Hill's proximity to the railroad and to the city's thriving economy had begun to accelerate changes in the district.

and Kentucky before moving to Georgia in 1871. Pellegrino Pellegrini's occupation is listed as sculptor in the 1880 Census.

¹⁴ The Sanborn Map from 1886 shows a two-story commercial building at 267 Peters Street. The building may have included residences on its upper floor.

¹⁵ This section includes material adapted from both Roth's report and from the 1985 National Register of Historic Places Nomination Form for the Castleberry Hill Historic District.

Several secondary and spur lines were constructed in the main bed of the railroad and in the area of tracks that ran east of Peters Street. These lines were added to provide access to the new East Tennessee, Virginia, and Georgia Railroad Freight Depot, which had been constructed on the east side of Peters Street north of Castleberry Street, as well as to serve expanded and new cattle and lumber yards.¹⁶ The mule-drawn trolley line had been re-routed to circumvent the grade crossing at Peters Street, due to greatly increased railroad traffic.

Additional retail buildings and warehouse and light industrial buildings had been built on both sides of Peters Street, displacing some residential buildings. The Lowe farm property had been subdivided and developed for cattle and meat processing businesses, and the Doane farm had been partially subdivided and developed with houses. The residential nature of Nelson and Walker Streets had not changed significantly since 1878. During the early 1880s, African American residencies increased in the northern and western sections of the district. African Americans also began moving into parts of the district's central core, along Bradberry Street, in the rear of houses occupied by whites, on properties facing the railroad, and on Peters Street south of the Walker Street intersection.

By 1892, retail, light manufacturing, and wholesale businesses continued to expand along Peters Street, and only a few houses remained. Cattle and meat processing operations and coal and lumber storage facilities also expanded on the east side of Peters Street. A new iron bridge replaced the wooden Nelson Street Bridge. Several new residences and the Walker Street M.E. Church had been built in the triangle formed by Nelson, Haynes, and Walker Streets. The increase in African American occupancies continued between 1886 and 1892, in the southwest quadrant of the district and along the southern part of Walker Street. This change was due, in part, to an increasing availability of housing for whites in other districts of the city and due to displacement, as a result of continued commercial and industrial expansion in many parts of the city. Middle class residential development filled both the east and west sides of Whitehall Street within the proposed district, between 1886 and 1892. However, this was primarily an expansion of housing for downtown workers and business owners and not associated with changes occurring in Castleberry Hill.

By 1899, the trend toward commercialization of Peters Street and industrialization of the area between Peters and the railroad intensified. While the ownership of railroads, stockyards, retail businesses, lumberyards and planing mills changed, the presence of these enterprises remained constant. All residential buildings on the west side of Peters Street were gone by 1899, but several houses remained scattered along the east side. The Nelson and Walker Streets residential area remained relatively intact, as non-whites continued to move into houses vacated by whites.

¹⁶ The freight depot was destroyed by fire c. 1990.

1900-1959

Atlanta was transformed, during the first three decades of the 20th century, from a city of modest size, into an industrial metropolis. During these years, the city became not only the railroad distribution center for the entire Southeast but a major financial and business center as well. Atlanta also began to grow as an administrative center for State government and education. Real estate activity during this period was unprecedented and extended into all sections of the city.

From its close proximity to downtown, Castleberry Hill experienced dramatic change during this period. The transition from residential to commercial and industrial uses that began in the central core of the district in the 1880s was complete by about 1930. The Nelson to Walker Street residential area, north of Fair Street, was completely replaced by warehouses and light manufacturing buildings, following the construction of the spur line in that section.

Many of the earliest extant buildings in the district were constructed on Peters Street from about 1895 to 1915. The retail and warehouse buildings dating from this period tended to be larger or more elaborate replacements of earlier structures. The three-story L.H. Hill Furniture Store and the elaborately decorated Farmers and Traders Bank, both near the intersection of Peters and Walker Streets, represent the prosperity and optimism of the time. Several major public improvement projects contributed to the building boom on Peters Street. A citizens group successfully lobbied city government to widen Peters Street to 50 feet, pave it and build a bridge over the railroad tracks, in order to accommodate the electrified street railway (that replaced the mule-drawn trolley around 1900). The improvements were completed quickly; the widening and paving occurred in 1903, and construction of the first Peters Street Bridge in 1904. The bridge was replaced during the 1920s.

From the late 1910s through 1920s, construction continued on Peters Street. While smaller buildings continued to provide neighborhood retail and consumer services, larger buildings served both citywide and regional markets. Two of the nation's largest meatpacking companies, Kingan and Company and Swift and Company, located on Peters Street around 1930. By 1932, the central core of the district had become a dense development of commercial, light industrial, and warehouse buildings. More than 70 percent of buildings in that section were used for non-residential purposes. The only community facility remaining was the Walker Street School (destroyed by fire in 1983).

In the northern and western sections of the proposed district, most streets remained residential in nature, or became a mix of light industrial, neighborhood commercial, and residential uses. By 1915, for example, both the east and west sides of Mangum Street, between Mitchell and Chapel Streets, contained a mix of manufacturing buildings and working class housing. At that time, the Gate City

Coffin Company and Bottle Works factory stood within a dense development of modest homes, creating a mill village appearance in that area.

Along the eastern edge of the district, redevelopment began on the McDaniel Street end of Whitehall Street around 1920 and continued north along both sides of Whitehall for several decades, as food processing, light industrial, and office-warehouse buildings replaced the c. 1890 residences. In contrast to the rapid transformation that took place on Nelson and Walker Streets, the transition from residential to commercial and industrial uses on Whitehall Street occurred gradually, as industry spread from Peters Street, on the west side of the rail lines, to Whitehall, on the east side of the tracks. Construction of a segment of Interstate 20, in the late 1950s and early 1960s, directly east of the proposed district, hastened the loss of additional residential properties on Whitehall Street. A church built on the east side of Whitehall in 1906 (near McDaniel) stands as the only tangible reminder that the segment of Whitehall Street, contained within the proposed district, was once residential. However, many parcels of vacant land remain where houses once stood.

Buildings constructed in Castleberry Hill during the late 1930s to 1950s are representative of changes in transportation occurring at that time. As automotive transport became the preferred method of moving goods and passengers, service stations, automobile repair shops, and parking garages appeared in commercial districts throughout the city. Warehouse and light industrial buildings constructed during this period were typically sited along main thoroughfares with setbacks that provided automobile access and parking for customers, as well as loading space for trucks. Loading docks were often at the front of the building and faced the roadway, rather than at the rear along the rail lines. Several buildings that are typical of this trend were constructed in Castleberry Hill during this period, along Peters Street, Walker Street, and along portions of Whitehall Street. However, some buildings from this period continue the zero setbacks of earlier periods and represent a departure from previous periods of development only in terms of materials and techniques used in construction. The buildings from this period reflect the continued development of the Castleberry Hill district and are representative examples of modest commercial and industrial buildings from the mid-20th century.

STRUCTURES

The historic structures in Castleberry Hill provide excellent examples of two important types of late 19th and early 20th century commercial architecture in Atlanta. Retail and commercial buildings along Peters Street are modest late Victorian and early 20th century buildings of a type once common in Atlanta. Concentrations of these buildings are now quite rare in Atlanta. These one to three story brick buildings feature modest ornamentation that includes decorative corbelling along the cornice, string courses that define the stories of the building, segmental or rounded arch windows, cast stone sills, and stepped roof parapets.

They have continuous commercial storefronts at the street level. Upper floors were typically used as office or warehouse space. In the oldest buildings of this type that exist in the district, upper floors commonly included residential uses.¹⁷

Many examples of the “loft” type of industrial or warehouse building are found in Castleberry Hill. These buildings are concentrated along the northern section of Nelson Street and extend south along Walker Street. However, examples of this type are found in other sections of the district as well. Loft buildings feature sturdy construction, open floor plans, and modestly detailed front facades.

More than 50 percent of the warehouse and industrial buildings in Castleberry Hill feature “standard mill” or “semi-mill” construction. These buildings were constructed from the 1890s to about 1925 with heavy timber framing or steel beams. They have load bearing masonry walls rising from brick or stone foundations. The construction methods used in these buildings allowed for open floor spaces and fireproofing. Semi-mill construction is found in many of the one and two story retail buildings in the district, while standard mill construction is typical of the older industrial and warehouse buildings which required a floor system with a heavy loading capacity.

Examples of buildings with standard or semi-mill construction include Kelly Brothers Grocery Warehouse (1903) at 161 Mangum Street, the Nu-Way Laundry Company – Ty Stokes Building at 261 Walker Street (c. 1910), Smith and Higgins Department Store – Bressler Brothers Building (1906-07) at 330 Peters Street, the Bottle Works at 63 Mangum Street (1914), the John Deere Plow Company at 326 Nelson Street (1914), and the Wright Manufacturing Company – Maryland Baking Company (1923) at 479 Whitehall Street.

Many buildings in the district are “functional” in terms of their design but most include elements of styles that are representative of the periods in which they were constructed. Popular architectural styles represented in the oldest commercial buildings within the district include stripped or streamlined classical, neoclassical revival, and Italianate. Elements of Georgian or Colonial Revival, Art Deco, Art Moderne, and Modern styles are distinctive features of buildings constructed in Castleberry Hill from the 1910s through the 1950s.

LANDSCAPES AND STREETSCAPES

Commercial and industrial buildings are attached in rows and sited along the streets. Street paving and sidewalk paving materials in most areas of the district are cast-in-place concrete separated by granite curbs. Sidewalks on Peters Street are laid with hexagonal sidewalk pavers. Planting zones in the sidewalks to allow for the growth of street trees, which are the only vegetation on commercial streets in the district, was part of a recent streetscape project.

¹⁷ This section includes portions of statements of significance from National Register of Historic Places forms and research reports.

“Topographic differences are accommodated in many places by rough-cut-granite walls and at other places by steeply graded, unplanted banks. The landscape impression is of a densely packed, low-height industrial area strongly tied to the street system and the railroad.” The most striking “characteristic of the area is its visual proximity to downtown Atlanta” and the impact of the downtown skyline.¹⁸

In the southwestern quadrant of the proposed district some residential uses still exist, primarily along the southern end of Nelson Street. Residential streets in the district are typical of streets laid out for modest working class or middle class housing from the late 19th century. The setbacks allow for front and side yards. Landscaping includes mature trees and shrubs. Stone retaining walls are common features of the streetscape.

CRITERIA

Castleberry Hill meets the following criteria for designation as a City of Atlanta Landmark District:

Group I (Historic): 1, 2 & 3

Group II (Architectural): 1, 2, 5, 6, 7 & 13

Group III (Cultural): 1 & 2

FINDINGS

The proposed nomination of the Castleberry Hill Landmark District meets the above referenced specific criteria, as well as, the minimum criteria for a Landmark District as set out in Section 16-20.004 of the Code of Ordinances of the City of Atlanta.

¹⁸ “Castleberry Hill Historic District, National Register of Historic Places, Nomination Form” (1985).

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DRAFT AS OF 08/15/05

Proposed Castleberry Hill Landmark District (Chapter 20N)

 = Contributing Bldgs.
within the District



District Subarea Boundary

- 1 - Historic Core
- 2 - Adjacent Historic Areas
- 3 - Transitional Commercial / Mixed Use Corridor



Map produced by the Atlanta Urban Design Comm., 8/15/05.

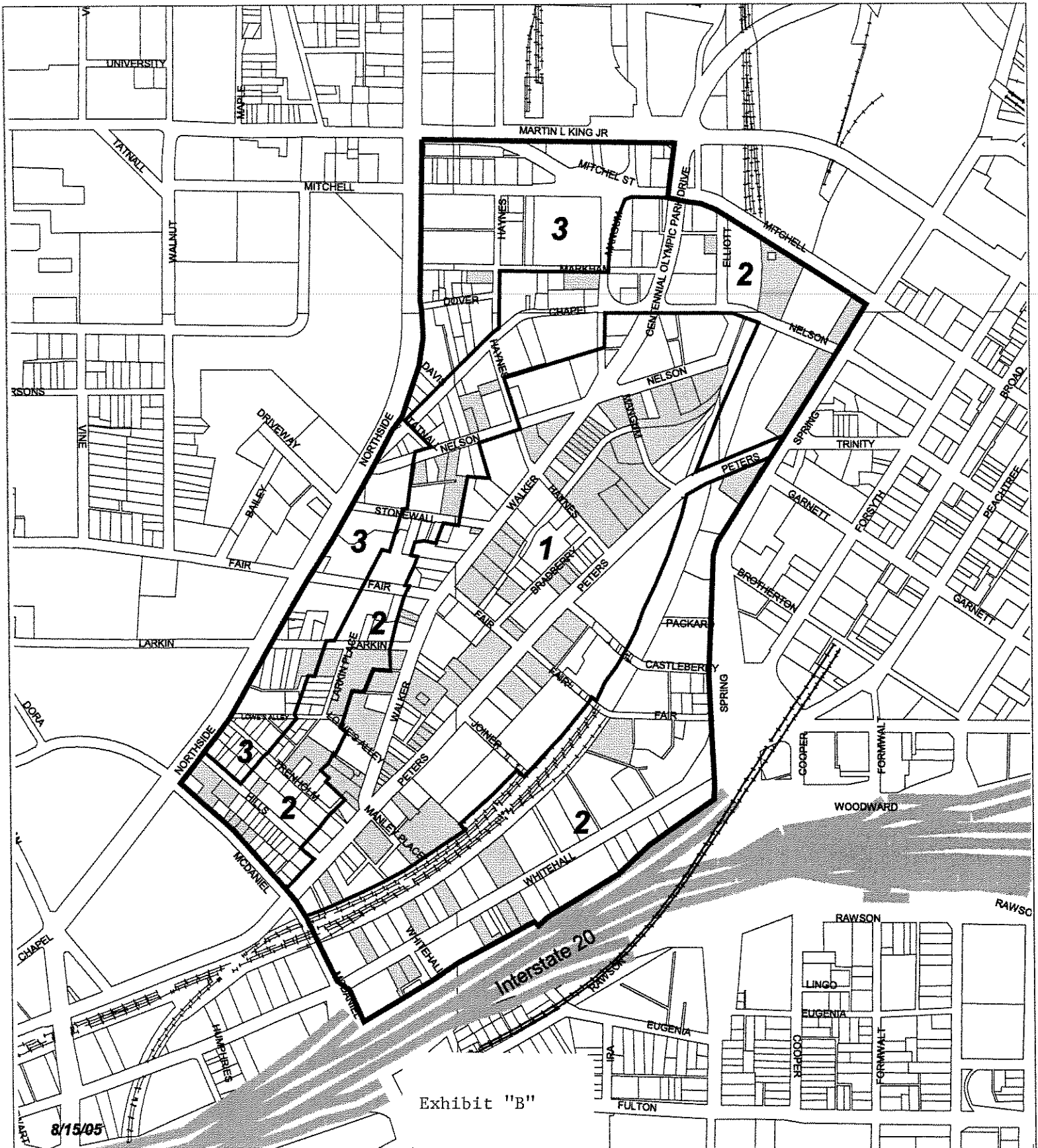


Exhibit "B"

Chapter 20N - Castleberry Hill Landmark District Regulations

Section 16-20N.001. Statement of Intent.

The intent of the regulations for the Castleberry Hill Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from the 1890s to 1959, including the largest concentration of historic warehouses in the city;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new construction is consistent with the character of the subarea of the district within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
5. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District;
6. To encourage compatible economic development and neighborhood revitalization that promotes a livable, sustainable neighborhood;
7. To promote pedestrian convenience and connect buildings to the public life of the street; and
8. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

Section 16-20N.002. Scope of regulations.

The scope of these regulations for the Castleberry Hill Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district. Whenever the regulations of chapter 20N conflict with the provisions of chapter 20, the regulations of chapter 20N shall apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Castleberry Hill Landmark District shall continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 20N, the interpretation provision set forth in section 16-20.011(c) of the Code of Ordinances shall govern.

Section 16-20N.003. Boundaries

The boundaries of the Castleberry Hill Landmark District shall be as shown on the official zoning map adopted herewith entitled "Castleberry Hill Landmark District." The district is divided into three subareas as follows:

1. Historic Core, Subarea 1.
2. Adjacent Historic Areas, Subarea 2.
3. Commercial/Mixed-Use Corridor, Subarea 3.

Section 16-20N.004. Definitions.

For the purposes of interpreting this Chapter 20N, the following definitions shall apply:

1. "District" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.

3. "Principal Structure" means the main structure on a property, exclusive of any detached accessory structures.
4. "Public Street" means publicly dedicated streets and specifically excludes alleys in the District.
5. "Additions to the roof of a principal structure" means any enclosed space that does not meet the definition set out in Section 16-28.022(1).

Section 16-20N.005. Organization.

The zoning regulations for the District consist of two (2) parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

Section 16-20N.005. Certificates of appropriateness.

1. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
2. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall be required in this district. Notwithstanding Section 16-20N.007(1)(f)(3), repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness. (Refer to Chapter 20.008 for a list of ordinary repairs and maintenance.)
3. Type II certificates of appropriateness shall be required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of section 16-20N.006, 16-20N.007, 16-20N.008, and 16-20N.009, then the director of the commission shall issue the Type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20N.006, 16-20N.007, 16-20N.008, and 16-20N.009, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I certificates of appropriateness.
4. Type III certificates of appropriateness shall be required for:
 - (a) Construction of all new principal structures;
 - (b) All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.
5. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.

- (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20L.007 or section 16-20L.008, as applicable.
2. Compatibility rule.
- (a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (roof form, architectural trim, fenestration, etc.) shall match that which predominates on the contributing buildings on that block face. Where quantifiable, the element in question (i.e., building height and width, floor height, etc.), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings on that block face.
 - (b) For the purposes of the compatibility rule, height and width of a structure shall be measured on the façade facing the grade of the lowest adjacent public street and such measurement shall be taken from the lowest point of such grade. Additions to the roofs of principal structures shall be included in such calculations.
 - (c) In any instance where one contributing building on a block face is higher or wider by more than ten percent than any other contributing building on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - (d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
3. Variances, special exceptions, and appeals. Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this

chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.

4. Financial hardship exemptions
 - (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
 - (b) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
 - (c) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property.
 - ii. The age of the property owner.
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought.
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements.
 - v. The costs associated with adherence to these regulations.
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.
 - (d) The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
5. Subdivisions of lots. The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall be approved by the director of the bureau of planning unless said matter has first been submitted to and approved by the commission. No subdivision of lots shall be approved unless the commission shall make a finding that the resulting lots are substantially consistent with the historic platting pattern of the Subarea. The commission shall further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face the entire block, a particular subarea or the district as a whole, may be reasonably situated and constructed upon such lots. The compatibility rule shall apply.
6. Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are substantially consistent with the historic platting pattern of the Subarea. The commission shall further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lots. The compatibility rule shall apply.
7. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

8. Off-street and off-site parking.
 - (a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.
 - (b) The number of required off-street parking spaces is set out in each subarea.
 - (c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
 - (d) Use of shared driveways and/or alleys is encouraged. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the commission.
 - (e) Curb cuts and driveways are not permitted on any arterial street when access may be provided from a side or rear street or from an alley.
 - (f) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - (g) No circular drives shall be located between any principal building and any public street.
 - (h) One curb cut is permitted for each development. Developments with more than one public street frontage or more than 300 ft. of public street frontage may have two curb cuts.
 - (i) No drop-off lanes are permitted along public streets.
 - (j) Sidewalk paving materials shall be continued across intervening driveways.
 - (k) Entrances to garages that serve residential units shall be located in a side or rear yard.
 - (l) All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards, to serve garages and parking areas.
 - (m) Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.
 - (n) Parking decks along the street frontage shall have:
 - i. Ground floor storefronts; or
 - ii. Ground floor residential uses.
9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - (a) Height of the first floor of the front façade above grade shall be subject to the compatibility rule.
 - (b) Setbacks.
 - i. The facades of principal buildings facing a public street shall not be setback from the property line.
 - ii. Facades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:
 - a. Facades with windows shall be setback three (3) ft. from the side property line.
 - b. In the case of the installation of a driveway along a side property line, the façade shall be setback ten (10) ft. from the property line for one-way drives and 20 ft. for two-way drives.
 - iii. There shall be no rear yard setback requirements.

- (c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk.
- (d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (e) Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.
- (f) Relationship of building to street.
 - i. The first 10 ft. of all building levels that have sidewalk level street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.
 - ii. All front facades and front doors of the principal structure shall face and be parallel to the street.
 - iii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 - a. Face and be visible from the street.
 - b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iv. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.
- (g) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade.
- (h) Awnings and Canopies.
 - i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight feet above the sidewalk level, and shall not encroach more than five feet over the public sidewalk.
 - iv. Installation of new canopies, where none previously existed, shall be permitted only if they are compatible with the original structure.
 - v. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
 - vi. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - vii. Multiple awnings on a single building shall be similar in shape and configuration.
 - viii. Only that portion of the awning used for signage shall be illuminated.
- 8. Exterior Stairs & Landings.
 - (a) Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.
 - (b) Stair treads must be equal widths.
 - (c) Exterior stairs and landings shall be constructed of metal or poured concrete.
 - (d) Railings shall consist of vertical pickets.

9. Structures on the roofs of principal buildings.
 - (a) All components of a structure or addition on the roof of a principal building visible from a public way shall be metal or masonry.
 - (b) Structures shall not include any enclosed area beyond the minimum requirements for mechanical and elevator equipment, stairwells, and elevator and stair landings.
10. Lighting, security, and maintenance requirements for parking structures and surface parking lots.
 - (a) Lighting shall be provided throughout all parking facilities at a minimum of one-half foot-candle of light.
 - (b) Parking deck lighting fixtures may not be visible from any public street or park or from any private street.
 - (c) Parking facilities shall be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained.
11. Fences, Walls, and Retaining Walls
 - (a) Fences shall be no more than ten (10) ft. high.
 - (b) Fences between the principal building and the public street shall be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
 - (c) Fences to the rear or side of the principal building shall be constructed of metal, brick, stone, ornamental iron or metal, architectural masonry, chain link, or wood.
 - (d) Walls shall not be permitted between the principal building and the public street. Walls shall be no more than ten (10) ft. high. Walls shall be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - (e) Retaining walls adjacent to a public street or sidewalk shall not exceed four (4) ft. in height. The materials for the exposed face of the retaining wall shall meet the compatibility rule.
 - (f) Adjacent to a public street or sidewalk, the total height of any combination of fencing, wall and/or retaining wall shall not exceed ten (10) ft.
12. Permitted accessory uses and structures. The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:
 - (a) Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.
 - (b) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park, or plaza.
 - (c) No off-premises storage of merchandise shall be permitted in this subarea either as a principal or accessory use.
 - (d) No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
 - (e) Accessory structures shall be placed behind the principal structure within the buildable area of the lot.
 - (f) Accessory structures shall not cover more than 25 percent of the rear yard.
 - (g) Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less.
 - (h) Shall be located in the least visible location within the permissible area.
 - (i) May require screening with the appropriate plant or fence materials.
 - (j) Swimming pools, tennis courts, and similar active recreation facilities are permitted subject to the following limitations:

- i. Such active recreation facilities shall require a special exception from the urban design commission, which special exception shall be granted only upon finding that:
 - a. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and
 - b. The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The urban design commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
13. Applications. Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III certificate of appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
14. Additional notifications.
 - (a) The applicant of Type III & IV certificates of appropriateness shall be given contact information for the Castleberry Hill Neighborhood Association by the commission and shall be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the commission.
 - (b) Any time the provision 16-20.011 (b) of this part is enforced in this district, the director of the commission shall notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.
 - (c) The director shall regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the commission in which there is any agenda item for property within the District.
15. Signage. The provisions of the Atlanta Sign Ordinance apply to this district.

Section 16-20N.007 - Specific regulations for Historic Core, Subarea 1.

In the Castleberry Hill Core District, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in Section 16-20N.007 do not specifically address the application or any portion thereof:

1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - (a) The compatibility rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a principal structure exceed 40 feet.
 - (b) The general façade organization and proportions, and roof form of the principal structure shall be subject to the compatibility rule.
 - (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - (d) Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The style and material of the individual window or door.
 - b. The size and shape of individual window and door openings.

- c. The overall pattern of fenestration as it relates to the building façade.
- d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
- ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
- iii. If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- (e) Facades.
 - i. Subject to the compatibility rule, brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade. The compatibility rule shall also apply to the pattern and finish of the façade material.
 - ii. Covering of the original façade shall not be permitted.
 - iii. Painting of unpainted stone, terra cotta, and brick is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
- (f) Lighting and storefront illumination.
 - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive, or pedestrian area.
- (g) Loading areas, loading dock entrances, and building mechanical and accessory features.
 - i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.

- (h) Excluding the flare at the street, driveways shall not exceed ten (10) ft. in width for one-way drives or 20 ft. in width for two-way drives. Loose stone or gravel is not permitted as a paving material.
 - (i) Sidewalk regulations.
 - i. Hexagonal sidewalk pavers shall be retained.
 - ii. Hexagonal sidewalk pavers shall be used for any sidewalk repair or replacement on the public streets.
 - iii. Curbing shall be granite.
 - iv. New sidewalks shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be a minimum of 7 feet wide and a maximum of 15 feet wide.
 - v. Street Furniture: Street furniture to include, but is not limited to: street lights, seating, newspaper vending boxes, trash receptacles, official city and neighborhood signage, trees and shrubs and flower pots.
 - vi. Outdoor seating: Seating areas should be specifically defined and located as to not obstruct pedestrian access or motorist visibility.
 - vii. Umbrellas: Must have a minimum clearance of seven feet above the sidewalk level and located as to not obstruct pedestrian access or motorist visibility.
 - viii. Newspaper Vending Boxes: Should be located as to not obstruct pedestrian access or motorist visibility.
 - vix. Tree Planting: When installed, all newly planted trees shall be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees shall be drought tolerant, limbed up to a minimum seven-foot height, and shall have a minimum mature height of 40 ft. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The planting area shall be planted with evergreen ground cover such as mondo grass or liriope spicata.
 - x. Trash Receptacles: Where installed, trash receptacles shall be a Victor Stanley Model S-42 or similar looking standard.
 - xi. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between any street trees along all streets. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
- (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
 - (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
 - (c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:
 - i. Retail establishments, including delicatessens, bakeries and catering establishments.
 - ii. Specialty shops such as antique stores, gift. shops, boutiques, art and craft. stores, and apothecary shops.
 - iii. Barber shops, beauty shops, and similar personal service establishments.
 - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
 - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
 - (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.

- ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
 - iii. Professional or service establishments, but not hiring halls.
 - (e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
 - (f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.
3. Off-Street Parking Requirements
- The following parking requirements shall apply to all uses:
- (a) Off-street parking shall not be permitted between the principal building and the public street.
 - (b) Off-street parking may be located in a rear or side yard.
 - (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
 - (d) All other uses: No off-street parking is required.

Section 16-20N.008 - Specific regulations for Adjacent Historic Areas, Subarea 2.

The following regulations shall apply to all properties located within this subarea:

1. The intent of the regulations for the Adjacent Historic Areas, Subarea 2, is as follows:
 - (a) To encourage neighborhood-oriented development.
 - (b) To promote pedestrian safety and connectivity.
 - (c) To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. Maximum heights. The compatibility rule shall apply to the height of the principal structure, but in no case shall the height exceed 50 feet.
3. Setbacks. The setback of the principal building facades that face a public street shall be between 0 and 40 ft.
4. Maximum lot coverage shall not exceed 80%.
5. Properties adjacent to the railroad right-of-way shall have a minimum of a 20 feet continuous buffer adjacent to the railroad right-of-way. Said buffer may not be required to exceed 20 percent of the total property area and shall be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the director of the bureau of planning. Said buffer shall be considered as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.
6. Sidewalk regulations.
 - (a) Public sidewalks shall be located along all public streets and shall have minimum width of 15 ft. along Whitewall Street, Spring Street, Centennial Olympic Park Drive and 10 feet along all other streets.
 - (b) Sidewalks consist of two zones:
 - i. A street furniture and tree-planting zone;
 - ii. A clear zone.

- (c) The street furniture and tree-planting zone shall have a minimum width of four feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - (d) Street trees are required and shall be planted a maximum of 40 feet on center within the street furniture and tree-planting zone and spaced an equal distance between street lights. All newly planted trees shall be a minimum of four inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a maximum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The area between required plantings shall be planted with evergreen ground cover such as mondo grass or *liriope spicata*.
 - (e) Tree grates are not required where all sidewalk width requirements are met. Where tree grates are installed, they shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director of planning for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree-planting zone.
 - (f) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree-planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
 - (g) Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - (h) Trash receptacles, where installed, shall be a Victor Stanley Model S-42 or similar looking standard, and shall be placed within the street furniture and tree-planting zone.
 - (i) The clear zone shall be a minimum width of six feet along all streets. Said zone shall be located adjacent to the street furniture and tree-planting zone and shall be continuous. Said zone shall be hardscape and shall be unobstructed for a minimum width of five feet and a minimum height of eight feet by any permanent or nonpermanent element.
7. Minimum landscaping requirements for surface parking lots. All parking lots containing five or more parking spaces shall comply with all of the requirements of section 16-14.012.
8. Roof lines. Roofs of new construction, additions, or alterations shall either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.
9. Permitted principal uses and structures. In addition to those uses permitted in Section 16-20N.007(2), a building or premises shall be used only for the following principle purposes:
- (a) Banks, savings and loan institutions, and similar financial establishments.
 - (b) Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
 - (c) Childcare centers, kindergartens and special schools.
 - (d) Clubs and lodges.
 - (e) Commercial greenhouses.
 - (f) Institutions of higher learning, including colleges and universities.
 - (g) Hotels and rooming houses.
 - (h) Laundry and dry cleaning collection stations and laundry and dry cleaning establishments where customers operate equipment.

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- (i) Manufacturing, wholesaling, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines, and appliances and the like, where the character of operations, emissions, and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise or vibration is prohibited in this district.
 - (j) Mortuary and funeral homes.
 - (k) Offices, studios, clinics (including veterinary if animals are kept within soundproof structures); laboratories, and similar use, but not blood donor stations except at hospitals. Veterinary clinics shall be located within soundproof buildings when located within 300 feet of any residential use.
 - (l) Parking lots and structures.
 - (m) Plumbing, air conditioning service and repair.
 - (n) Printing or blueprinting shops.
 - (o) Service stations, car washes.
 - (p) Service and repair establishments dealing with office equipment or installations; minor repairs to plumbing, heating or air conditioning installations, replacement of glass, roof repairs and the like.
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10. Off-Street Parking Requirements. The following parking requirements shall apply to all uses:
- (a) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
 - (b) All non-residential uses: Off-street parking shall be required as set out in Section 16-16.009. All non-residential uses not specified in Section 16-16.009 shall provide one (1) parking space for each 300 square feet of floor area.

Specific regulations for Northern & Western Transitional Corridor, Subarea 3.

The following regulations shall apply to all properties located within this subarea:

1. The intent of the regulations for the Northern & Western Transitional Corridor, Subarea 3, is as follows:
 - (a) To encourage neighborhood-oriented development.
 - (b) To promote pedestrian safety and connectivity.
 - (c) To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
 - (d) To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the District.
 - (e) To ensure harmony between existing and future uses of the properties in this subarea and the overall mixed-use character of the district.
 - (f) To discourage displacement of residents, to allow for a variety of housing opportunities compatible with and complementary to the architectural character of the neighborhood, and to ensure the health, safety, and welfare of the neighborhood residents.
2. Maximum building heights. Principal structures shall not exceed a maximum height of 70 feet above the grade of the closest Northside Drive right-of-way.
3. Setbacks. The setback of the principal building facades that face a public street shall be between 0 and 60 ft.
4. Maximum lot coverage shall not exceed 80%.
5. Sidewalk regulations.

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- (a) Public sidewalks shall be located along all public streets and shall have minimum width of 15 feet along Northside Drive, Martin Luther King, Jr. Drive, and Centennial Olympic Park Drive, and 10 feet along all other streets.
 - (b) Sidewalks consist of two zones:
 - i. A street furniture and tree-planting zone;
 - ii. A clear zone.
 - (c) The street furniture and tree-planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Trees are required, and this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - (d) Street trees are required and shall be planted a maximum of 40 feet on center within the street furniture and tree-planting zone and spaced an equal distance between street lights. All newly planted trees shall be a minimum of four inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a maximum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The area between required plantings shall be planted with evergreen ground cover such as mondo grass or liriope spicata.
 - (e) Tree grates are not required where all sidewalk width requirements are met. Where tree grates are installed, they shall be a type specified by the director of planning in accordance with uniform design standards utilized by the director of planning for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree-planting zone.
 - (f) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree-planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
 - (g) Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - (h) Trash receptacles, where installed, shall be a Victor Stanley Model S-42 or similar looking standard and shall be placed within the street furniture and tree-planting zone.
 - (i) The clear zone shall be a minimum width of five feet along all streets. Said zone shall be located adjacent to the street furniture and tree-planting zone and shall be continuous. Said zone shall be hardscape and shall be unobstructed for a minimum width of five feet and a minimum height of eight feet by any permanent or nonpermanent element.
- 4. Minimum landscaping requirements for surface parking lots. All parking lots containing five or more parking spaces shall comply with all of the requirements of section 16-14.012.
 - 5. Roofs of new construction, additions, or alterations shall either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.
 - 6. Permitted principal uses and structures: In addition to those uses permitted in Section 16-20N.007(2) and Section 16-20N.008(8), a building or premises shall be used only for the following principle purposes:
 - (a) Business and commercial schools.
 - (b) Churches, synagogues, temples, mosques, and other religious worship facilities on lots of one (1) acre or more.

- (c) Commercial recreational establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings.
 - (d) Dormitories, fraternities, and sororities.
 - (e) Nursing homes and convalescent centers.
 - (f) Trade schools.
7. Off-Street Parking Requirements. The following parking requirements shall apply to all uses:
- (a) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
 - (b) All non-residential uses: Off-street parking shall be required as set out in Section 16-16.009. All non-residential uses not specified in Section 16-16.009 shall provide one (1) parking space for each 300 square feet of floor area.
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Section 16-28A.007. General Regulations.

- (b) General Advertising Signs: General advertising signs are permitted only in the I-1 and I-2 industrial districts...
- (u) Neon: Neon lighting shall be allowed only in the following districts: C-1 through C-5; PD-MU; PD-OC; I-1; I-2; SPI-1 through SPI-4; Subarea 5 (Centennial Olympic Park Public Assembly Area) of SPI-13 (Centennial Olympic Park Special Public Interest District); Subareas 1 (Mill) and 5 (Transitional commercial/industrial) of LD-20A (Cabbagetown); Subareas 4 (Auburn commercial corridor) and 5 (Edgewood commercial corridor) of LD-20C (Martin Luther King, Jr. landmark district); LD-20H (Hotel Row landmark district); Subareas 2 (Transitional commercial) and 3 (Transitional industrial) of HD-20I (Adair park), and LD-20N (Castleberry Hill Landmark District).
- (v) Additional Standards for Signs in Landmark and Historic Areas: In determining the appropriateness or location of new signs proposed to be placed within the boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the urban design commission shall apply the following criteria in addition to the applicable criteria for certificates of appropriateness specified in chapter 20 of this part 16:
- (1) The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located.
 - (2) The sign's materials shall be compatible with the period and style of the property, building or site.
 - (3) The sign's location shall not obscure any significant architectural features of the building or site.
 - (4) The sign's installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site.
 - (5) The content of the message to be conveyed shall not be considered.
 - (6) Whenever in these regulations a certificate of appropriateness is required for a sign, the certificate shall be granted or denied within 30 days from the filing of the initial application. If the certificate is not granted or denied within that time period, the applicant may proceed as if the certificate had been granted. Provided, however, if the commission subsequently takes action on the certificate, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.
 - (7) Any appeal from any decision made on the issuance or denial of a certificate shall be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

Section 16-28A.010. District Regulations.

(47) Castleberry Hill Landmark District. The sign regulations for the Castleberry Hill Landmark District shall be the same as Section 16-28A.010(5) (C-1 Community Business District), provided that:

1. No sign shall be permitted within the district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
2. The location of the sign, unless otherwise specified within this subsection (47), shall be subject to the approval of the urban design commission simultaneously with the request for a certificate of appropriateness;
3. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
4. Signs shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper facade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
4. Where a principal structure is located immediately adjacent to the street, each business establishment shall be permitted to have one (1) sign that does not exceed eight (8) square feet in sign area that projects into the public right-of-way, subject to all other provisions of this part regarding projecting signs. This projecting sign shall be considered one (1) of the three (3) signs allowed for each business establishment.
5. Freestanding or shopping center signs shall be permitted in Subareas 2 and 3 the district, provided that they are no taller than the principal structure or 20 ft., whichever is less.
6. The combined area of these permitted building business identification signs shall not exceed 10 percent of the total area of the front wall of each said business establishment, and in no case shall any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.
7. No changing signs shall be permitted.
8. No internally illuminated signs shall be permitted.

RCS# 7018
9/19/05
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Atlanta City Council

REGULAR SESSION

MULTIPLE 05-O-1762 1761 1760 1759 1758 1757
 05-O-1756 1755 1754 1751 1753
 REFER

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

B Smith	Y Archibong	Y Moore	NV Mitchell
NV Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 7009
9/19/05
2:14 PM

Atlanta City Council

COMMITTEE OF THE WHOLE

MULTIPLE 05-O-1762 1761 1760 1759 1758 1757
05-O-1756 1755 1754 1751 1753
REFER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

B Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE